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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,588

12/22/2000

Ali Akgun

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2668

7590

06/28/2005

George I. Lee  
McDonnell Boehnen Hulbert & Berghoff  
32nd Floor  
300 S. Wacker Drive  
Chicago, IL 60606

EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/748,588	<b>Applicant(s)</b> AKGUN ET AL.	
	<b>Examiner</b> Shick C. Hom	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 19-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/14/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 17-29 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

2. Claims 24-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 24 line 5 and claim 25 line 10 which recite "the memory" lacks clear antecedent basis because no memory have been previously recited in the claims and therefore the limitation is not clearly understood. Claims 26-29 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claim 25.

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***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 19-23 and 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Yacoby (5,214,646).

Regarding claims 19, 25:

Yacoby discloses a routing device and method for selectively bridging Ethernet frames related to a Point-to-Point Protocol over Ethernet (PPPoE) connection, comprising: receiving an Ethernet frame from a first terminal, the Ethernet frame comprising an Ether\_Type field and a destination address; locating the Ether\_Type field in the Ethernet frame; determining whether the Ether\_Type field includes a discovery code or a session code identifying status of a PPPoE connection, wherein the Ether\_Type field including the discovery code or the session code indicates that the Ethernet frame is related to the PPPoE connection; in response to a determination that the Ether\_Type field includes the discovery code, (i) storing the destination

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address in the memory and (ii) bridging the Ethernet frame to a second terminal engaged in the PPPoE connection, the destination address of the Ethernet frame addressing the second terminal; and in response to a determination that the; Ether Type field includes the session code, (i) determining whether the destination address matches a stored address in the memory and (ii) bridging the Ethernet frame to the second terminal engaged in the PPPoE connection in response to the destination address matching the stored address, the destination address of the Ethernet frame addressing the second terminal. (see col. 6 lines 1-27 which recite a bridge receiving packet information whereby a source routing identifier within the packet is checked to determine whether source routing is used or transparent routing is applied to the packet block clearly reads on the method of selectively bridging frames comprising receiving a frame having an type field for determining whether the field includes a code identifying status of a connection, wherein the code indicates a discovery code or a session code. See col. 8 line 62 to col. 9 line 22 which recite a buffer to store the header of the frames including the MAC addresses, routing field and source routing bit being provided for use to determine whether to use source routing or transparent routing based upon checking the MAC address, source routing bit and routing field in a stored table

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clearly reads on storing destination address in memory if the first connection, i.e. discovery code routing, is used and determining whether the destination address matches a stored address in memory if the second connection, i.e. session code routing, is used. See col. 1 lines 9-18 which recite that the invention is related to Ethernet LAN access protocols and col. 1 lines 34-55 which recite forwarding datagrams from one LAN to another clearly reads on use of Ethernet frames over point-to-point connection).

Regarding claims 20, 26:

Yacoby disclose wherein the destination address in the Ethernet frame is a MAC sub-layer address (see col. 1 lines 34-55 which recite the use of the MAC destination address).

Regarding claims 21, 27:

Yacoby disclose wherein storing the destination address in the memory comprises storing the destination address in a stored list, the stored list including destination addresses of terminals engaged in PPPoE connections, and wherein determining whether the destination address matches the stored address comprises determining whether the destination address matches an address in the stored list (in Fig. 3 see block 68 which recite determining whether the destination address DA is within the stored table and col. 6 lines 1-27).

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Regarding claims 22-23, 28-29:

Yacoby disclose further comprising discarding the Ethernet frame upon determining that the destination address does not match the stored address and further comprising discarding the Ethernet frame upon determining that (i) the Ether Type field does not include the discovery code and (ii) the Ether Type field does not include the session code (see col. 6 lines 1-27 which recite discarding packet based on errors and matching reads on the steps of discarding frame).

#### ***Allowable Subject Matter***

5. Claims 17-18 are allowed.

6. Claim 24 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pitt et al. disclose source routing transparent bridge

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

9. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Monday to Friday with alternate Fridays off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH

  
DANGSTON  
Patent Examiner